

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10194-RCL
)	
DAVID JORDAN)	
and)	
ANTHONY BUCCI,)	
Defendants)	

GOVERNMENT’S OPPOSITION TO MOTION OF PAUL A. DECOLOGERO

The United States of America, by and through Assistant United States Attorneys John T. McNeil, respectfully submits this opposition to the motions of Paul A. DeCologero (Doc.Nos. 248 & 281). This Court should deny Mr. De Cologero’s motions for three reasons. First, Mr. DeCologero is not a party to the instant action, has no standing in this case to seek the lifting of the protective order, and is improperly seeking relief in this session of the Court when he has failed to obtain it in the context of his own case. See, e.g. United States v. Hurley, 920 F.2d 88, 90 (1st Cir. 1990)(“the right of a non-party to intervene in a criminal proceeding is doubtful.”). Second, Mr. DeCologero failed to comply with Local Rule 7.1(A)(2). Third, Mr. DeCologero’s motion is now moot. By letters dated May 25, 2006, in the context of United States v. DeCologero, et al., Crim No. 01-10373-RWZ, the government disclosed to counsel for Mr. DeCologero those portions of Mr. Minotti’s proffers which referred to the crimes charged in that case, as well as the directly relevant portions of the agents’ notes. In so doing, the government did not concede that these proffers were exculpatory or otherwise disclosable.

For the foregoing reasons, the government respectfully requests that Paul DeCologero’s

motions be denied. To the extent that the Court desires more detailed briefing on any of these issues, the government respectfully requests leave to supplement this opposition.

Respectfully Submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

Date: May 31, 2006

By: /s/ John T. McNeil
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CERTIFICATE OF SERVICE

I, John T. McNeil, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney